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REPORT

from : the Presidency

to : the K.4 Committee

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Subject: **Draft Council Regulation laying down a uniform format for visas**

1. INTRODUCTION

At the last session of the Justice and Home Affairs Council held on 30 November/ 1 December 1994, the Council noted that substantial progress has been accomplished on the above draft Regulation and requested the Permanent Representatives Committee, assisted by the K.4 Committee, to continue its work on resolving outstanding issues, while awaiting the European Parliament's Opinion on the Commission proposal. This Opinion is likely to be given next January.

The Visa Working Party, which met on 5/6 December, took the opportunity of examining the issues which remain outstanding. The draft text of the Regulation which results from these discussions is annexed to the present report.

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2. OUTSTANDING POINTS

As well as indicating issues which have yet to be resolved in the footnotes to the text of the Regulation, the Presidency would wish to draw the attention of the Committee to the following :

- (i) The United Kingdom maintains its scrutiny reservation on Article 4 (data protection). This is linked to the fact that manual data is not subject to data protection legislation in the U.K.
- (ii) The United Kingdom maintains its reservation on the use of a 3a-type committee to assist the Commission in its work (Article 6). However, discussions at the Working Party have indicated that all delegations could possibly agree to the use of a 3b-type committee, although the Netherlands delegation would have to clarify its position at the K.4 level. The Commission indicated a reservation on the use of a 3b-type committee.
- (iii) All other reservations have been withdrawn.

3. OTHER MATTERS

- (i) The Visa Working Party also proceeded to a first discussion on the technical specifications relating to the common visa format in the light of the draft declaration to the Council minutes (see Annex to the ANNEX) and established that already existing relevant documents relating to the technical specification of the visa format will be used by the European Union in relation to its production on a Union-wide basis.
- (ii) The Netherlands delegation, in discussions relating to the sections to be completed on the visa (see Annex to the Regulation), indicated that it would prefer to have a clear distinction in printed form for visas which are not issued in the context of the intergovernmental harmonized visa regime (Schengen).

4. CONCLUSION

The Presidency considers that the Committee should :

- examine the two outstanding issues indicated above ;
 - submit, in conformity with the mandate given by the Council, a report to the Permanent Representatives Committee on the present situation following the K.4 Committee's deliberations and pending the arrival of the European Parliament's Opinion.
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PRESIDENCY COMPROMISE PROPOSAL
FOR A COUNCIL REGULATION
LAYING DOWN A UNIFORM FORMAT FOR VISAS

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 100c(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Article 100c(3) of the Treaty requires the Council to adopt measures relating to a uniform format for visas before 1 January 1996;

Whereas the introduction of a uniform format for visas is an important step towards the harmonization of visa policy; whereas Article 7a of the treaty establishing the European Community sets the common objective of an area without internal frontiers in which the free movement of persons is covered; whereas this step is also to be regarded as forming a coherent whole with measures to be adopted under Title VI of the Treaty on European Union;

Whereas it is essential that the uniform format for visas should contain all the necessary information and meet very high technical standards, notably as regards safeguards against counterfeiting and falsification, and be well adapted for use by all the Member States; whereas it must also bear universally recognizable security features which are clearly visible to the naked eye;

Whereas this Regulation only lays down such specifications as are not secret; whereas these specifications need to be supplemented by further specifications which must remain secret in order to prevent counterfeiting and falsification; Whereas power to adopt further specifications should be conferred on the Commission; whereas, having regard to the object of this Regulation, it is appropriate that these measures should be adopted in accordance with procedure III(a) provided for in Council Decision 87/373/EEC; ⁽¹⁾

(1) UK: Reservation on Comitology (see article 6 below).

Whereas, to ensure that the information referred to is not made available to more persons than necessary, it is also essential that each Member State should designate not more than one body having responsibility for printing the uniform format for Visas, with Member States remaining free to change the printer, if need be; whereas for security reasons each Member State must communicate the name of the printer concerned to the Commission and the other Member States;

Whereas, to be effective, this Regulation should apply to all visas, covered by Article 5 hereof; whereas Member States should in addition be free also to use the design of the uniform visa format for visas, which can be used for purposes other than those covered by Article 5 provided visible differences are incorporated to make confusion with the uniform visa impossible;

Whereas, with regard to the personal data to be entered on the uniform format for visas in accordance with the Annex hereto, compliance should be ensured with Member States' data-protection provisions as well as relevant Community legislation,

HAS ADOPTED THIS REGULATION:

Article 1

Visas issued by the Member States in conformity with Article 5 shall be produced in the form of a uniform format for visas (sticker). They shall conform to the specifications set out in the Annex.

Article 2

Further technical specifications, which shall render the visa difficult to counterfeit or falsify, shall be laid down in accordance with the procedure set out in Article 6.

Article 3

1. The specifications referred to in Article 2 shall not be published and shall be secret. They shall be made available only to printers designated by the Member States and to persons duly authorized by a Member State or the Commission.

2. Each Member State shall designate one body having responsibility for printing its visas. It shall communicate the name of that printer to the Commission and the other Member States. One printer may be designated by two or more Member States for this purpose. Each Member State shall be entitled to change its designated printer. It shall inform the Commission and the other Member States accordingly.

Article 4

1. National provisions [or Community provisions] ⁽¹⁾ on data protection shall equally apply with respect to the rights of the individuals whose particulars are to be entered on the uniform visa in accordance with this Regulation even where the data have not been the subject of automatic data processing. It is for each Member State to adopt the requisite measures in internal law. ⁽²⁾

2. No information in machine-readable form shall be given on the uniform format for visas unless it also appears in the boxes described in points 6 to 12 of the Annex hereto, or unless it is mentioned in the relevant travel document.

(1) The phrase brackets will be omitted if Community provisions have not been made by the time this Regulation is adopted by the Council.

(2) UK : Scrutiny reservation.

Article 5

For the purposes of this Regulation, a "visa" shall mean an authorization given by or a decision taken by a Member State which is required in advance of entry onto its territory with a view to :

- an intended stay in that Member State or in several Member States of no more than three months in all ;
- transit through the territory or airport transit zone of that State or several Member States.

Article 6

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of two months, the Council has not acted, the proposed measures shall be adopted by the Commission ⁽¹⁾.

Article 7

Where member States use the uniform Visa format for purposes other than those covered by Article 5; appropriate measures must be taken to ensure that confusion with the visa referred to in Article 5 is not possible.

Article 8

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

Article 1 shall become applicable six months after such publication.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

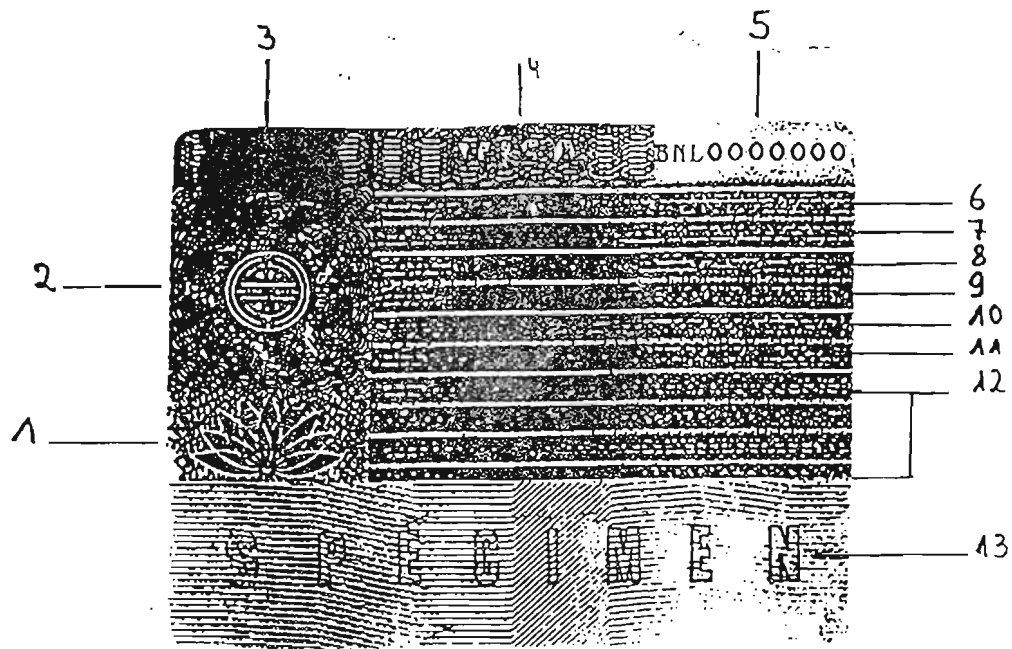
For the Council
The President

⁽¹⁾ UK : Reservation - considers that a "3b-type" (as opposed to a 3a-type) committee should be set up.

It should be noted that at the Visa Working Party meeting, all delegations could agree to the use of a 3b-type committee.

The Netherlands delegation emphasized that it needed to give further thought to this possible change.

The Commission have a reservation on the use of a 3b-type committee.



(1)

Security Features

1. A sign consisting of nine ellipses in a fan-shape shall appear in this space.
2. An optically variable mark ("kinegram" or equivalent) shall appear in this space. Depending on the angle of vision 12 stars, "E" signs and a globe become visible in various sizes and colours.
3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used : BNL for Benelux, D for Germany, DK for Denmark, E for Spain, F for France, GR for Greece, I for Italy, IRL for Ireland, P for Portugal, UK for the United Kingdom.
4. The word "visa" in capital letters shall appear in the middle of this space in optically variable colouring. Depending on the angle of view, it shall appear green or red.
5. This box shall contain the number of the visa, which shall be pre-printed and shall begin with the letter or letters indicating the issuing country as described in point 3 above. The following special type shall be used :⁽²⁾.

(1) When published in the Official Journal this should be reproduced in colours based on a photograph of a specimen visa.
 (2) The correct type shall be used in the final version as published in the Official Journal.

Sections to be completed

6. This box shall begin with the words "valid for". The issuing authority shall indicate the territory for which the visa is valid. ⁽¹⁾
7. This box shall begin with the word "from" and the word "until" shall appear further along the line. The issuing authority shall indicate here the period of validity of the visa.
8. This box shall begin with the words "number of entries" and further along the line the words "duration of stay" (i.e. duration of applicants intended stay) and again "days" shall appear.
9. This box shall begin with the words "issued in" and shall be used to indicate the place of issue.
10. This box shall begin with the word "on" (after which the date of issue shall be filled in by the issuing authority) and further along the line the words "number of passport" shall appear (after which the holder's passport number shall appear).
11. This box shall begin with the words "type of visa". The issuing authority will indicate the category of visa in conformity with the provisions of Articles 5 and 7.
12. This box shall begin with the word "remarks". It shall be used by the issuing authority to indicate any further information which is considered necessary, provided that it complies with Article 4 of this Regulation. The following two and a half lines shall be left empty for such remarks.
13. This box shall contain the relevant machine-readable information to facilitate external border controls.

The paper shall be pastel green with red and blue markings.

The word designating the boxes shall appear in English and French. The issuing State may add a third official Community language. However, the word "visa" in the top line may appear in any one official language of the Community.

⁽¹⁾ The Netherlands delegation has indicated that it would prefer to have a clear distinction in printed form for visas which are not issued in the context of the intergovernmental harmonized visa regime.

DRAFT DECLARATION
to the minutes of the Council
which adopts the regulation

Re Preambular paragraph 4 and Article 6

"The Council states that the technical specifications relating to the Common Visa format should be considered by the committee set up under Article 6 on the basis of the present Schengen Visa format already agreed by 9 member States.

The Council takes note of the fact that the Schengen states have agreed to release all technical and confidential information on the visa format to the Committee concerned and that prior discussions at a technical level have already taken place.

The Council invites the Commission to take the required measures in full knowledge of the work already undertaken in this area."
